

of all Parties concerned (if they will appear) notwithstanding the Return and Filing upon Record the former, which said Second Partition returned and filed shall be good and firm for ever against all Persons whatsoever, except as before excepted.

III. And be it further enacted by the Authority aforesaid, That no Plea in Abatement shall be admitted or received in any Suit for Partition, nor shall the same be abated by reason of the Death of any Tenant.

IV. And be it further enacted by the Authority aforesaid, That when the High Sheriff, by reason of Distance, Infirmary, or any other Hindrance, cannot conveniently be present at the Execution of any Judgment in Partition, in such Case the Under Sheriff, in presence of Two Justices of the Peace of the County where the Lands, Tenements, or Hereditaments to be divided do lie, shall and may proceed to Execution of any Writ or Partition, by Inquisition in due Form of Law, as if the High Sheriff were then personally present; and the High Sheriff thereupon shall, and is hereby enabled and required to make the same Return, as if he were personally present at such Execution: And in case such Partition be made, returned, and filed, he or they that were Tenant or Tenants of any of the said Messuages, Lands, Tenements, and Hereditaments, or any Part or Purpart thereof, before they were divided, shall be Tenant or Tenants for such part set out severally to the respective Landlords or Owners thereof, by and under the same Conditions, Rents, Covenants, and Reservations, where they are or shall be so divided, and the Landlords and Owners of the several Parts and Purparts so divided and allotted, as aforesaid, shall warrant and make good, unto their respective Tenants, the said several Parts severally, after such Partition, as they are or were bound to do, by any Copy, Leases, or Grants of their respective Parts, before any Partition made; and in case any Demandant be Tenant in actual Possession to the Tenant to the Action for his Part and Proportion, or any Part thereof, in the Messuages, Lands, Tenements and Hereditaments, to be divided by virtue of a Writ of Partition, as aforesaid, for any term of Life, Lives, or Years, or uncertain Interest, the said Tenant shall stand and be possessed of the said Purparts and Proportions for the like Term, and under the same Conditions and Covenants, when it is set out severally

614 *in pursuance of this or any other Act, Statute, or Law to that purpose.